

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ADAM CHASTEEN, :
: Case No. 2:14-CV-1690
Plaintiff, : JUDGE ALGENON L. MARBLEY
v. : Magistrate Judge Kemp
GARY MOHR, *et al.*, :
: Defendants. :

ORDER

This matter is before the Court on the United States Magistrate Judge's **Report and Recommendation**. (Doc. 25.) On March 9, 2016, the Magistrate Judge issued the Report and Recommendation, recommending that because Defendants have not yet filed a dispositive motion nor asserted any plain legal prejudice that would result from the granting of Plaintiff's motion to dismiss without prejudice (Doc. 23), Plaintiff's motion to dismiss without prejudice should be granted. The Report and Recommendation also recommended that Defendants' motion to dismiss for insufficient service of process (Doc. 19) be denied as moot. The Report and Recommendation specifically advises the parties that the failure to object to the Report and Recommendation within fourteen days results in "a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." (Doc. 25 at 2-3.) The parties have failed to respond. The deadline for objections lapsed on March 28, 2016.

The Court hereby **ADOPTS** the Report and Recommendation (Doc. 25) based on the independent consideration of the analysis therein. Accordingly, Plaintiff's motion to dismiss (Doc. 23) is **GRANTED** and Defendants' motion to dismiss based on insufficient service of

process (Doc. 19) is **DENIED AS MOOT**. Plaintiff's Complaint is **DISMISSED without prejudice**. The Clerk is directed to enter judgment for Defendants.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: April 13, 2016